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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,597	02/12/1999	ANDREW P. DOVE	06005/35169	1127

7590

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EXAMINER

WU, XIAO MIN

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/249,597	DOVE ET AL.	
	Examiner	Art Unit	
	XIAO M. WU	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-72 is/are pending in the application.
- 4a) Of the above claim(s) 31-37, 40, 45, 50, 63 and 66 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38, 39, 41-44, 46-49, 51-54, 60-62, 64 and 65 is/are allowed.
- 6) ☒ Claim(s) 13-30, 55-59 and 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/2/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 13-30, 55-59, 67-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (A Collaborative Wearable System with Remote Sensing) in view of Yamafuji et al. (US Patent NO. 6,226,401).

As to claims 13, 24, Bauer discloses a wearable computer for user in a process control environment having a process control system including a plurality of process control devices (e.g. computers , routers, network outlets) disposed within the process, the wearable computer comprising: a processing unit (page 13, section 4.1, paragraph 1); a memory; an imaging device (e.g. video camera, scanner sensors) that produces an image signal; an image processor that processes the image signal to identify one of the devices based on a device features (see page 14, sections 4.2); and a soft routine (see page 14, section 4.3) stored in the memory and adapted to be executed one the processing unit to provide process information generated by one or more of the plurality of process control devices during operation of the process (e.g. Bauer discloses an a sensor is a scanner for electronic equipment tags as an object identity to attached to the computer equipment objects, Bauer further discloses a sensor is a packet sniffer, a device that plugs into the network outlets and allows technicians to analyze network packets). It is noted that Bauer does not discloses that the device is identified by the image signal. However, using a camera to capture the image signal and to identify to the object is well known in the art such as taught by Yamafuji (see Figs. 1, 7, and col. 6, lines 7-67). It would have been obvious to one of ordinary skill in the art to have modified the camera system with the features of identifying object by using a camera as taught by Yamafuji so as to eliminate the tap attached to the object.

As to claims 14, 25, Bauer as modified discloses a heads up display unit coupled to the image processor that display information pertaining to the identified device on the heads up display (e.g. the user can view the object information when the object is being scanned or plug-in).

Art Unit: 2674

As to claim 15, Bauer discloses the information is diagnostic information related to the identified device (e.g. analyze network packets).

As to claim 16, Bauer discloses the help information related to the identified device (e.g. the object location or types).

As to claims 17, 26, Bauer discloses a remote communication device that communicates with the process control system such as the expert in a remote location.

As to claims 18, 27, Bauer discloses using camera to grab an image frame.

As to claims 19, 20, 28, 29, Bauer discloses an optical character recognition device such as an optical scanner.

As to claims 21-23, 30, Bauer discloses voice recognition unit and a microphone (see page 15, section 5).

As to claims 55-59, 67, 69-70, 72, Bauer discloses that the person in the field can communicate with the expert in the office by video image such as the map application which is a shared-window application. For example, the symbols in the map represent various types of network equipment. The network sockets are indicated by stars. Both users can select symbols to indicate which particular piece of equipment they are referring to. Objects can be selected by either scanning the iButton tag attached to a device in the real world, or by clicking on the symbol on the screen. The selections of the local and remote user are indicated by colors; the object that was selected or scanned by the local user is indicated by the color gray, whereas the selection of the remote user is displayed in black. Additional information about the selected devices is displayed in the text fields at the bottom of the screen. In other words, the local user and the remote user can both modified the image and sent to each other to view the information he is

Art Unit: 2674

selected. It is noted that Bauer does not disclose that the device is identified by the image signal. However, using a camera to capture the image signal and to identify the object is well known in the art such as taught by Yamafuji (see Figs. 1, 7, and col. 6, lines 7-67). It would have been obvious to one of ordinary skill in the art to have modified the camera system with the features of identifying object by using a camera as taught by Yamafuji so as to eliminate the tap attached to the object.

As to claims 68, 71, Bauer discloses the ability to control a remote cursor enables users to point at objects in other user's view.

Allowable Subject Matter

3. Claims 38-39, 41-44, 46-49, 51-54, 60-62, 64 and 65 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 13-30, 55-59, 67-72 have been considered but are moot in view of the new ground(s) of rejection.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US patent 5,467,019 is cited to teach using a camera to identify an object.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2674

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X.W.

January 7, 2006


XIAO M. WU
Primary Examiner
Art Unit 2674